IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3860 OF 2005

The State of Maharashtra, .. Applicant
Vs
Smt. Parvati Shankar Phanase
and Anr. .. Respondents

Mrs M.H.Mhatre, for the applicant.
Mr Niranjan Mundargi i/b Mr H.H.Nagi and Mrs Rashmi Mhambrey, for respondent nos 1 and 2.

CORAM : D.B.BHOSALE, J.

DATED : 15th JUNE, 2006

P.C.:

1. Heard the learned APP for the applicant and the learned counsel for the respondents.

2. This is an application under section 378 (3) of the Criminal Procedure Code seeking leave to file an appeal against the judgment and order dated 22.3.2005, acquitting both the accused of the offences punishable under sections 498-A, 306 r/w 34 of IPC. The trial Court, after considering the evidence of the prosecution and in particular the testimonies of PWs 1 to 4, the close relatives of the deceased, recorded a categoric finding that the evidence of these witnesses is not trustworthy and reliable on the point of harassment and cruelty. The incident occurred on

31.5.2004 and the deceased died on 6.6.2004. During this period her two statements came to be recorded and in none of the statements she implicated the accused as responsible for her death. Moreover, the persons, who recorded the statements, were also not examined by the prosecution. Considering the evidence recorded by the court below and on appreciation of the evidence on record, the judgment of acquittal cannot be said to be unreasonable and perverse. The view taken by the trail Court is reasonably possible view. I find no reason to grant leave to appeal as prayed for by the State. The application is rejected.

(D.B.BHOSALE,J.)